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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Bjorn Johansson

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EXAMINER

WILLIAMS, MONICA L

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,294	<b>Applicant(s)</b> JOHANSSON ET AL.	
	<b>Examiner</b> MONICA L. WILLIAMS	<b>Art Unit</b> 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/15/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least two floors must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 recites the limitation "said plurality of milking robots" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-5, 7, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Maasland (EP 0608941 A1).
6. In re claim 1, with reference to col.2 lines 23-26 and 30-33, and Figure 1, Maasland discloses a computer controlled arrangement for housing a large number of milking animals, each of which belongs to one of a plurality of groups, the arrangement comprising: a resting area (4-11) wherein the milking animals are allowed to rest, a feeding area (3) wherein the milking animals are fed; and a milking area (2) housing at least one milking robot for milking the milking animals, wherein at least one of the resting area (4-11) and the feeding area (3) is partitioned in sections which corresponds to the number of groups to which said milking animals belong; and a device (13,19,20,21,33) provided for automatically directing each of the milking animals moving towards the at least one of said resting area and the said feeding area which is partitioned in sections, into one of the sections depending on the group, to which the

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respective milking animal belongs, so that each of the sections will house milking animals belonging to one only of the groups.

7. In re claim 4, with reference to Figure 1, Maasland discloses the milking area is arranged so that the milking animals have to pass the milking area when moving from the resting area to the feeding area.

8. In re claim 5, with reference to Figure 1, Maasland discloses the resting area is partitioned in sections.

9. In re claim 7, with reference to Figure 1, Maasland discloses the device provided for directing includes a plurality of passage ways (19, 18, 13) from the feeding area to the resting area.

10. In re claim 17, with reference to col.3 lines 35-40, Maasland discloses a driving means (33), particularly a movable fence, partition, wire, or live wire, for driving milking animals in the resting area towards the milking area.

11. In re claim 20, with reference to col.2 lines 30-33, Maasland discloses a means (13) for automatically altering the partitions in sections of the resting area.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2-3, 9-10, 18, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maasland (EP 0608941 A1).

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14. In re claims 2 and 21, with reference to col.3 lines 20-27 and Figures 1 and 3, Maasland discloses the claimed invention as described above including the milking area houses a plurality of milking boxes (31,32) each of which being adapted to receive a respective milking animal, the resting area (4-11) is partitioned in sections, each of which being adapted to house milking animals belonging to one of the plurality of groups, and each of which being linked (12) to the milking area (2) so that milking animals in the respective section have access to a subset only of the plurality of milking boxes (each animal can only go into one milking box), and a device (20) is provided for automatically enlarging or reducing each of the respective subsets of the plurality of milking boxes to which animals housed in each section have access, depending on the number of milking animals housed in the respective section or on the milking capacity required by the milking animals housed in the respective section. Not disclosed is the at least one milking robot being adapted to milk the animals present in the milking boxes concurrently.

15. However, the Examiner takes Official Notice that it is well known in the art to have a milking robot that can milk animals in a plurality of milking boxes concurrently. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the milking robot of Maasland to milk a plurality of milking boxes concurrently in order to have faster production.

16. In re claims 3, 9, and 22, Maasland discloses the claimed invention as described above except for the milking area having a plurality of milking robots.

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17. However it would have been obvious to one having ordinary skill in the art at the time the invention was made to have had a plurality of milking robots in order to have faster production, since it has been held that mere duplication of the essential working parts involves only routine skill in the art. In re Japikse, 86 USPQ 70.

18. In re claim 10, with reference to Figure 1, Maasland appears to disclose the feeding area being partitioned in Figure 1. However, if not, the Examiner takes Official Notice that partitioning a feeding area is well known in the art. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the feeding area of Maasland to be partitioned in order to minimize aggression.

19. In re claim 18, with reference to col.3 lines 42-44 and col.6 lines 27-33, Maasland discloses the large number of animals being 80, but also discloses that the distribution and groupings may vary. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the housing of Maasland to accommodate more animals, particularly at least about 200, in order to produce more milk.

20. In re claim 23, with reference to col.2 lines 51-52, Maasland discloses the device (20) provided for automatically enlarging or reducing each of the respective subsets of the plurality of milking boxes comprises at least one computer controlled movable partition means, particularly a partition (door).

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21. In re claim 24, with reference to Figure 1, Maasland discloses the milking area is arranged so that the milking animals have to pass the milking area when moving from the resting area to the feeding area.

22. In re claim 25, with reference to col.3 lines 35-40, Maasland discloses a driving means (33), particularly a movable fence, partition, wire, or live wire, for driving milking animals in the resting area towards the milking area.

23. Claims 6, 11-16, 19, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maasland (EP 0608941 A1) in view of Hendrik et al (EP 1213676 A1).

24. In re claims 6, 11-16, 19, and 26-27, Maasland discloses the claimed invention as described above including a large number of milking animals are allowed to move freely in the feeding area and the resting area (col.1 lines 19-35). Maasland discloses the claimed invention except for an animal identification device.

25. However, with reference to [0002], [0022]-[0023], and Figure 3, Hendrik et al disclose discloses a computer controlled arrangement for housing a large number of milking animals including an animal identification device (8.3,8.4) provided for identifying each milking animal presenting itself in front of the device provided for directing (12.1,12.2), and a device provided for opening at least one gate depending on the animal identification (col.10 lines 21-27), milking animals can be grouped by having similar milk production, similar phases of lactation cycle, or being ill, and there is a means for altering the belonging from one to another one of the plurality of groups [0009]. The advantage of this is to track where each individual animal is going and to



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keep the animals grouped for their overall wellbeing. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the system of Maasland to include an animal identification device as taught by Hendrik et al in order to track where each individual animal is going and to keep the animals grouped in such a manner for their overall wellbeing.

26. Maasland, as modified by Hendrik et al, disclose the claimed invention except for grouping the animals by being in heat or gestation. However, the Examiner takes Official Notice that grouping animals by such common characteristics is well known in the art. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have grouped the animals by heat or gestation for organization and the overall wellbeing of the animals.

27. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maasland (EP 0608941 A1) in view of Conover (3,261,324).

28. In re claim 8, Maasland discloses the claimed invention except for the plurality of passage ways from the feeding area to the resting area being arranged in at least two floors.

29. However, with reference to col.1 lines 22-28, Conover discloses a housing arrangement for animals with at least two floors. The advantage of this is to maximize minimum floor space. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the passage ways of Maasland to include at least two floors as taught by Conover in order to maximize minimum floor space.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA L. WILLIAMS whose telephone number is (571)270-3113. The examiner can normally be reached on Mon to Fri 6:00-3:30, Alternate Friday off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Teri P. Luu/ for  
Michael Mansen  
Supervisory Patent Examiner  
Art Unit 3644

MW 10/24/2008